

### **REMARKS/ARGUMENTS**

Responsive to the Official Action mailed July 28, 2003, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claim 8 has been amended. Reconsideration is respectfully requested.

In the Action, the Examiner has set forth her Restriction requirement, a provisional election to which was made by the undersigned attorney by telephone on July 9, 2003. Applicant hereby affirms the election, with traverse of the claims of Group II, namely claims 8-15. Reconsideration of the restriction requirement is respectfully requested. It is respectfully submitted that consideration of all of the pending claims in this application will not entail substantial additional work on the part of the Office, in view of the closely related nature of the claims of Groups I and II.

In response to the Examiner's objection regarding Figure 1, a revised Figure 1 is being submitted concurrently herewith. The reference numerals 16, 20, and 26 have been deleted.

In the Action, the Examiner objected to language in claim 8, which has been revised accordingly.

In rejecting the pending claims under 35 U.S.C. §102 and §103, the Examiner has relied solely upon U.S. Patent No. 3,934,285, to May. However, it is respectfully submitted that this patent neither teaches nor suggests applicants' highly cost-effective,

flame-retardant nonwoven fabric, as set forth in the amended claims, and accordingly, the Examiner's rejections are respectfully traversed.

As set forth in the amended claims, applicants' flame retardant nonwoven fabric can be employed in a highly cost-effective manner for upholstery, wall coverings, and like applications, by virtue of its formation from a precursor web comprising flame-retardant polyester fibers, and its treatment, after imaging on a three-dimensional image transfer device, with a flame-retardant binder finish *based on a halogenated derivative polyurethane backbone*. It is respectfully submitted that formation of a flame-retardant nonwoven fabric, as claimed, is clearly not contemplated by the May reference, and that this reference is specifically limited in its teachings to formation of fire-resistant fabrics which would simply not compare favorably, from a cost standpoint, with fabric formed in accordance with the present invention. Cost-effective use of fabrics formed in accordance with the present invention permit their use in a variety of applications, including typical applications for the home. This is in significant distinction from the fabric formed in accordance with the May reference.

The May reference is specifically limited to the formation of fire-resistant fabrics by incorporation of a polymeric binder having a *very large percentage of aluminum flake or finely divided graphite*. At column 1, lines 54 *et seq.*, the May reference states:

Broadly stated, the objects of the invention are realized by applying to the inner or underside of mattress fabric, e.g., ticking, pads or covers, or the like, a coating comprising a flexible, film-forming polymer or resinous binder and from 30-60% by weight, *preferably about 45%*, of a heat-

conductive flake-or leaf-shaped material, finely divided  
leafing-grade aluminum or conductive graphite being  
preferred (emphasis supplied).

As will be recognized by those familiar with the art, manufacture of nonwoven fabrics with binder composition having such a high percentage of particulate aluminum or graphite would be very expensive for typical household applications, for which the present invention is particularly well-suited.

Beyond this, formation of nonwoven fabrics in accordance with the teachings of May are of limited practicability. At column 5, line 1 *et seq.*, May states:

In formulating the coating compositions used herein, it will be appreciated that the filler, particularly in finer sizes, *must be handled carefully to minimize explosion hazards*. There is an additional problem in the handling of aluminum and that is the tendency to react and liberate hydrogen under certain conditions when dispersed in an aqueous medium.

In other words, not only is formation of a fabric in accordance with the teachings of May very costly, manufacture of the fabric must be conducted with particular care to avoid disastrous results!

As is evident from a study of the May reference, there is no teaching or suggestion in this reference of employing a fire-retardant finish on a patterned, hydroentangled fabric wherein the finish is based on a halogenated derivative of a polyurethane backbone, nor are there any teachings or suggestions of employing this type of flame-retardant binder finish in combination with a precursor web comprising flame-retardant polyester fibers. In absence of such teachings, it is respectfully submitted that applicants' claimed flame-

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retardant fabric is clearly patentably distinct from the May reference. Accordingly, formal allowance of claims 8-15 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on **October 28, 2003**.

  
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